



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,138	03/04/2002	Dieter Hoffmeier	13924NP	9513

293 7590 06/03/2003

DOWELL & DOWELL PC
SUITE 309
1215 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

GRAY, MICHAEL KUHN

ART UNIT	PAPER NUMBER
----------	--------------

3746

DATE MAILED: 06/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,138

Applicant(s)

HOFFMEIER, DIETER

Examiner

Michael K. GRAY

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as being in an informal condition.

The line quality of the reference numerals and drawing legends is poor. The lines in the drawing figures are not uniformly thick and uniform.

The drawings are acceptable for examination purposes, but formal drawings will be required upon allowance of the application. It is suggested that formal drawings be filed in response to the present Office Action to better expedite the printing of a subsequently issued patent.

Specification

At page 1 of the specification, the first sentence has been changed to read --The present invention relates to a mud section unit.-- The words "according to the preamble of claim 1 have been deleted.

At page 1, the sentence which reads "According to the invention, the object is solved by the features of claim 1." has been changed to --This object is solved by the features of the present invention.--

The above changes were instituted to more conform the specification to American practice.

The specification should be reviewed for possible errors and omissions.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3746

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 and 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Claim 1 omits claiming the ball valve which is connected to the motor as claimed in claim 2. The ball valve makes possible the internal pressure in the container which opens the vacuum valve. Claim 1 claims a result without claiming the structural element which makes possible the result.

Accordingly, claim 1 should be amended to include language indicating the mud suction unit is provided with a ball valve which closes when the filling limit of the muddy fluid is reached thereby preventing fluid from the suction element from entering the container so as to create an internal pressure in the container which opens the vacuum valve.

Language indicating the motor has means for being shut off when the filling limit of the muddy fluid is reached should be included in the claim.

Claims 3-7 are rejected as being dependent from a rejected base claim.

Allowable Subject Matter Indicated

Claim 1 if combined with the subject matter of claim 2 as indicated above, would be allowable, as would the dependent claims 3-7 which depend from claim 1.

Art Unit: 3746

In the present invention, the ball valve which is connected to the motor and prevents fluid from entering the container upon the container being full, when closed, causes an internal pressure in the container which automatically opens the vacuum valve which allows the fluid to be discharged from the container.

The discharge valve 21 of Neese et al. (3,706,319) needs to be manually operated.

References

In addition to the Neese et al. references, the following references are considered relevant to applicant's disclosure.

Doyle (3,767,904) demonstrates a vacuum machine (note the arrangement of the intake line 9 and outlet 7).

Kulitz (4,801,376) demonstrates a vacuum pump for a fluid.

Shoenmeyer (4,507,054) demonstrates a pump, dispensing system having a vacuum switch.

Schatt (EP 0 353 547 A1) discloses a suction and tank system for disposing of muddy water.

Willinger (3,549,015) discloses a cleaning pump.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Gray whose telephone number is (703) 308-6196.

Art Unit: 3746

If the examiner does not answer the phone, a message will be provided as to when he will be in the Office. A message may be left on the examiner's voice mail.

The examiner's supervisor Timothy Thorpe can be reached at (703) 308-0102.

The examiner's fax number is (703) 746-4527.

Any inquiry of a general nature should be directed to the receptionist whose telephone number is (703) 308-0861.

/Michael K. Gray ^{mkS.}
Patent Examiner
Art Unit 3746


CHARLES G. FREAY
PRIMARY EXAMINER